

**THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION**

MICHAEL AND SHELLIE GILMOR,  
et al.,

Plaintiffs,

vs.

PREFERRED CREDIT CORPORATION,  
et al.,

Defendants.

Case No. 4:10-cv-00189-ODS

**UNOPPOSED JOINT MOTION TO EXTEND CERTAIN PRETRIAL DEADLINE**

Plaintiffs and Moving Defendants<sup>1</sup> (collectively “Movants”) respectfully move the Court for an Order extending existing pretrial deadlines and to reschedule the final pre-trial conference and trial of this matter. In support of this joint motion, Movants state the following:

1. The current deadlines in place for this matter are as follows:

- |  |                   |
|--|-------------------|
| • Plaintiff’s designation of expert witnesses                            | December 5, 2011  |
| • Defendant’s designation of expert witnesses:                           | January 23, 2012  |
| • Identification of records the parties intend to<br>“self-authenticate” | December 30, 2011 |
| • Motion to decertify  | February 1, 2012  |
| • Submit discovery disputes to the Court                                 | March 1, 2012     |
| • Completion of pretrial discovery                                       | March 1, 2012     |

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<sup>1</sup> Moving Defendants include Defendants Impac Mortgage Holdings, Inc.; Impac Funding Corporation; Impac Secured Assets Corporation; IMH Assets Corporation; Impac Real Estate Asset Trust Series 2006-SD1; Deutsche Bank National Trust Company, in its capacity as trustee for the 2006-SD1 Trust and as former trustee for the following trusts, all of which have terminated: Impac Secured Assets CMN Trust Series 1998-1, Impac CMB Trust Series 1999-2, Impac CMB Trust Series 2000-2, Impac CMB Trust Series 2001-4, Impac CMB Trust Series 2002-1, and Impac CMB Trust Series 2003-5; Bank of America, National Association, as successor by merger to LaSalle National Bank, in its capacity as former trustee of terminated trust Impac CMB Trust Series 1999-1; Wells Fargo Bank, N.A., in its capacity as former trustee for terminated trust Impac Mortgage Pass-Through Certificates 2000-1; Litton Loan Servicing LP; and Wingspan Portfolio Advisors, LLC.

- Daubert-based motions, including motions to strike expert designations or to preclude expert testimony April 2, 2012
- Dispositive motions April 2, 2012
- Pre-Trial Conference July 12, 2012
- Trial August 13, 2012

See Doc. Nos. 83, 360, and 372.

2. Since the Court last modified certain pre-trial deadlines, i.e., the deadline for Plaintiffs and Defendants to designate their respective witnesses (Doc. No. 372), lead counsel for the Impac group of defendants experienced the death of a family member, which justifies the modification of the existing pre-trial deadlines, the pre-trial conference, and trial.

3. Therefore, Plaintiffs and the Moving Defendants have conferred and have agreed to modify existing pre-trial deadlines, as follows:

- Plaintiff's designation of expert witnesses March 5, 2012
- Defendant's designation of expert witnesses: April 23, 2012
- Identification of records the parties intend to "self-authenticate" April 23, 2012
- Motion to decertify May 1, 2012
- Submit discovery disputes to the Court June 1, 2012
- Completion of pretrial discovery June 1, 2012
- Daubert-based motions, including motions to strike expert designations or to preclude expert testimony July 2, 2012
- Dispositive motions July 2, 2012

4. Further, the pre-trial conference and trial setting will also need to be rescheduled.

5. Further, although Plaintiffs have agreed in principle to settle the claims of certain defendants and the anticipated trial length will be reduced accordingly, Plaintiffs still anticipate that the length of trial will be 15 days. Plaintiffs base this belief on prior experience in trying a similar class action lawsuit, *Mitchell v. Residential Funding Company, et al.* The *Mitchell* case also involved claims for violations of the Second Mortgage Loans Act against four (4) defendants, required the testimony of 40 witnesses, and lasted 17 days.

6. Plaintiffs have conferred with counsel for the non-moving defendants, who have indicated that they do not object to this motion.

WHEREFORE, Plaintiffs and the Moving Defendants, for good cause shown, jointly and respectfully move the Court for an Order extending the above-referenced deadlines as suggested in Paragraph 3 herein, and for an Order rescheduling the pre-trial conference and trial, any other relief the Court deems just and proper.

Dated: November 30, 2011

Respectfully submitted,

WALTERS BENDER STROHBEHN  
& VAUGHAN, P.C.

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on this the 30<sup>th</sup> day of November, 2011, I electronically filed the above and foregoing document with the Clerk of Court of the Western District of Missouri using the Court's ECF system, which will send notification of said filing to all counsel of record who are ECF participants.

/s/ *Bruce V. Nguyen*